



**DEPARTMENT OF THE NAVY**  
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND  
BASE REALIGNMENT AND CLOSURE  
PROGRAM MANAGEMENT OFFICE WEST  
33000 NIXIE WAY, BLDG 50 Suite 207  
SAN DIEGO, CA 92147

5000-110  
Ser BPMOW.hmw/204  
July 8, 2021

Mr. Jeff Ruch  
Public Employees for Environmental Responsibility  
962 Wayne Avenue, Suite 610  
Silver Spring, MD 20910

Dear Mr. Ruch:

This correspondence is in regard to your Freedom of Information Act (FOIA) request dated December 7, 2018 in which you seek six separately enumerated categories of records related to the Hunters Point Naval Shipyard ("HPNS") located in San Francisco, California.

Your request was received in this office on May 3, 2021 and assigned file number DON-NAVY-2019-001864. Please cite this number in any future communications with our office regarding this request. Your requests seeks the following:

- a) From January 1, 2005 to the present, all documents that:
  1. Identify the source(s) of fill or other soil that has been used or may be used in the future for soil covers or caps at Hunters Point Shipyard (i.e., soil covers or caps used as a potential remedy for remediation of contamination);
  2. Any measurements made to determine that radionuclide and/or toxic chemical concentrations are acceptable for such use described above;
  3. Specify where soil used for soil covers or caps at Hunters Point can come from (e.g., can "clean" soil from parts of HPS be used) and what standards and tests are used to determine it is "clean";
  4. Reference any occurrence or proposal whereby soil from within HPS that is declared clean is to be or can be used as "backfill", "fill" or "cover"; and
  5. Reference any activities whereby soil was taken from Parcel A or other areas on HPS deemed to be "non-impacted" to be repurposed in any fashion.
- b) All documents from January 1, 2003 to December 31, 2008 that reference any role that Tetra Tech EC played in the preparation of the Final Basewide Radiological Removal Action, Action Memorandum - Revision 2006, Hunters Point Shipyard, San Francisco, CA, April 21, 2006.

A letter dated May 26, 2021 provided a final determination on your FOIA request. A search for responsive records has been completed and approximately 3,455 potentially responsive records have been located. This letter provides the first of multiple phases of release. Additional records will be released to you in phases as documents are determined to be responsive to your request.

Today's interim release addresses 167 records that have been identified as responsive. Review of the responsive records reveals that some are partially exempt from disclosure under FOIA Exemptions 4 and 6 [5 U.S.C. § 552 (b)(4), (6)]. Of the 167 records addressed in this interim release,

- 133 were deemed not responsive to the request;
- 6 records are a duplicate;
- 8 records are partially withheld in full under FOIA Exemption 4;
- 5 records are partially withheld under FOIA Exemption 4 and 6;
- The 15 remaining records are released to you in full.

The instances of exempt information have been redacted.

FOIA Exemption 4 [5 U.S.C. § 552(b)(4)]exempts from disclosure “trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential.” The trade secrets associated with this exemption relates to business phone and conference call numbers which belong to our contractors and contract cost information and could cause competitive harm if released.

FOIA Exemption 6 [5 U.S.C. § 552(b)(6)]exempts from disclosure information that, if disclosed, would invade an individual's personal privacy. Personal emails were the items redacted from these records.

You have the right to an appeal. It must be received (i.e., post-marked if by mail or submitted if by FOIAonline) within 90 calendar days from the date of this letter. Please provide the following in your appeal:

- a letter requesting an appeal that explains what you are appealing with any supporting arguments or reasons you think may be worthy of consideration;
- a copy of your initial request;
- a copy of the letter of denial.

There are two ways to file an appeal—through FOIAonline or by mail.

1. Through FOIAonline. This will work only if you set up an account on FOIAonline before you make the request that you would like to appeal. To set up an account, go to [FOIAonline.gov](https://www.foiaonline.gov), click “Create Account” (a link located within the blue banner at the top in the upper right corner), enter your data into the field that subsequently appears, and click “Save” (at the bottom left of the screen). With your account thereby created, you will be able to file an appeal on FOIAonline for any request you file on FOIAonline thereafter. To do so, locate your request (enter a keyword or the request tracking number in the “Search for” field on the “Search” tab), click on it, then the "Create Appeal" tab in the left-hand column. Complete the subsequent field, click “Save,” and FOIAonline will submit your appeal.

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2. By mail. Address your appeal to:

Department of the Navy  
Office of the General Counsel  
1000 Navy Pentagon, Room 5A532  
Washington, DC 20350-1000

Whichever method is used to file your appeal, please also provide a copy to us at [meredith.richards@navy.mil](mailto:meredith.richards@navy.mil), or:

BRAC PMO West  
33000 Nixie Way  
Bldg 50 Suite 207  
Attn: Meredith Richards  
San Diego, CA 92147

Please note that as a result of increases in the Health Protection Condition (HPCON) level, the BRAC PMO offices are limited to mission-essential personnel only and are maximizing the use of telework for other personnel. You are strongly encouraged to submit a copy of your appeal to BRAC PMO via email to ensure we receive timely notification that you have filed an appeal in accordance with the instructions above.

Please direct any questions concerning this matter to Ms. Meredith Richards, who may be contacted at [meredith.richards@navy.mil](mailto:meredith.richards@navy.mil) or (619) 524-1637. You may also contact the DON FOIA Public Liaison, Christopher Julka, at [christopher.a.julka@navy.mil](mailto:christopher.a.julka@navy.mil), (703) 697-0031. In addition, the Office of Government Information Services (OGIS) provides a voluntary mediation process for resolving disputes between persons making FOIA requests and the Department of the Navy (DON). For more information, go to <https://www.archives.gov/contact>.

Sincerely,

KIMBERLY A. OSTROWSKI  
Director